

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

The Drawings have been objected to. A Replacement sheet and an Annotated Sheet have been attached to this amendment. Fig. 1 now includes reference numbers 1b and 1c thereby overcoming the objections. Regarding the Examiner's objection to two reference numbers "2" in Fig. 1, both reference numbers designate a longitudinal edge of the screen. The "2" with the dashed lead line indicates the edge of the screen when the holding-together member 13 has narrowed the screen (See Specification, page 3, lines 16-26).

Claims 4, 5, 6, 7, 8, and 10 have been objected to. Claims 4, 5, 6, 7, 8, and 10 have been amended to overcome these objections.

Claim 3 has been rejected as indefinite. The requirement to distinctly claim means that the claim must have a meaning discernible to one of ordinary skill in the art. MPEP §2173.02. However, breadth of a claim is not to be equated with indefiniteness. MPEP §2173.03. If the scope of the subject matter is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 25 USC §112, 2nd paragraph. MPEP §2173.02. Claim 3 has been amended to recite a member, instead of a holding-together member. This may be a broad recitation of this limitation, but its scope is clear and its meaning would certainly be discernible to one of ordinary skill in the art.

Claims 1-5, 7-8, and 10 have been rejected as anticipated by Nelson, US 4,955,496. Claims 1, 6, and 9 have been rejected as anticipated by Monahan, US 6,296,212. Claim 2 has been canceled without prejudice.

Amended claim 1 recites a screen (1) for holding refuse sacks (7) open. The screen (1) is formed of an elastic material and is compressible from a normal shape to a narrower shape for threading a refuse sack (7) onto the screen (1) or inserting the screen into the refuse sack (7). The screen (1) thereafter is brought to spring out from the narrower shape to the normal shape for stretching the refuse sack (7). The screen (1) has a length permitting folding of open parts (7b) of the refuse sack (7) into the screen (1). A locking device (11), with outwardly extending pins (11a), is provided on the screen (1) for pressing the open parts (7b) of the refuse sack (7) onto the pins (11a) such that the pins (11a) penetrate the open parts (7b).

Neither Nelson nor Monahan disclose a screen with outwardly extending pins penetrating open parts of a refuse sack. Claim 1, as well as claims 3-10 which depend from claim 1, are in condition for allowance.

New claim 11 recites an apparatus for maintaining a refuse sack (7) in an open condition. The apparatus includes an elastic panel member (1) and a locking device (11). The panel member (1) is compressible from a first shape to a second, narrower shape for inserting the panel member (1) into the refuse sack (7). The panel member (1) flexes outwardly from the second shape toward the first shape thereby stretching the refuse sack (7). The panel member (1) has a length allowing folding of open parts (7b) of the refuse sack (7) into the panel member (1). The locking device (11), with outwardly extending pins (11a), penetrates the open


parts (7b) of the refuse sack (7) thereby securing the panel member (1) within the refuse sack (7).

As stated above, neither Nelson nor Monahan disclose a panel with outwardly extending pins penetrating open parts of a refuse sack. Claim 11 is in condition for allowance.

In view of the foregoing, allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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